

SUMMARY

B.H.Q.A. MEETING OF JANUARY 11, 2006

MEMBERS PRESENT: Ben Mitchell, Elizabeth Gallman, Nikki Montembeault, Susie Hamilton, Kristopher Floyd, Sandi Cole

MEMBERS ABSENT: Brent Thompson

STAFF PRESENT: Susie Johnson, Barry Collins, Rhonda Helms, John Hewitt, Carol Jack, Mike Arnold, Kevin Bowlen, Jo Stong, Robert Hoole

OTHERS PRESENT: Maribeth Collier, Dan Smith, Barry Jones, Christopher Scites, Bonnie & Phillip Sperry, Richard Wells, Patrick O'Rourke, Jaime Young, Sheri Parab, Kris Starzyk, Pat Bookwalter, Ann Buttery, Connie Knoy

Chairperson, Mitchell called the meeting to order on 01/11/06 at 4:02 p.m.

The Summary for December 14, 2005 meeting was submitted for approval. Hamilton made a motion to approve the minutes; Floyd seconded. 5-1 [Cole abstained]

OLD BUSINESS

530 N. Lincoln, Distinct Management, 05-V-44 Agents were present to request an extension of time to complete repairs.

Gallman made a motion to table the petition; Cole seconded. 6-0

549 S. Lincoln, Phillip Sperry, 05-V-133 Owners were not present to request a special exception to the minimum egress requirements.

Staff reported that the upstairs east bedroom window did not meet the minimum egress requirements. Staff recommended that the Board grant the variance with the following conditions: Hard-wired smoke detectors shall be installed per current code requirements. Single and multiple-station smoke alarms shall be installed in the following locations: In each sleeping room; outside of each separate sleeping area in the immediate vicinity of the bedrooms; in each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. When one or more smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Radio frequency interconnection is allowable. Should any of these conditions ever not be met the variance will be revoked. Staff recommended a compliance deadline of 03-13-06.

Hamilton made a motion to grant the variance according to the staff recommendation and conditions; Gallman seconded. 6-0

441 S. Dunn, American Sunbelt, 05-V-151 Agents were present to request an administrative decision to sidewalk repair.

Staff reported that the sidewalk adjacent to Dunn Street was in an extreme state of disrepair. There are numerous trip hazards and the uneven condition would make it difficult for people with disabilities to utilize. Staff recommended that the Board deny the request and the sidewalk be repaired in a manner that is approved by the City Engineering Department, and in compliance with all current applicable codes by 08-15-06.

Mitchell made a motion to deny the request for sidewalk repair and suggested that the owners meet with the City Engineering Department to discuss the sidewalk repair programs within the next 12 months; Hamilton seconded. 3-3
[Floyd, Montembeault and Cole voted no] motion failed

NEW PETITIONS

209 S. Union, Timothy Mayer, 06-V-01 Owner was not present to request a special exception to the minimum egress requirements.

Gallman made a motion to table the petition; Floyd seconded. 6-0

529 E. 1st St., James Thomas, 06-TV-02 Owner was not present to request an extension of time to complete repairs.
WITHDRAWN

322 E. Kirkwood Ave., Jack Ellis, 06-TV-03 Owner was not present to request an extension of time to complete repairs.
WITHDRAWN

513 S. Woodlawn, Patricia Bookwalter, 06-V-04 Owner was present to request a special exception to the minimum egress requirements.

Staff reported that the windows in all the sleeping rooms did not meet the minimum egress requirements. The house is currently equipped with hardwired, interconnected smoke detection per current code requirements. Staff recommended that the Board grant the variance without conditions, and that the property not be limited to a three year rental permit.

Mitchell made a motion to grant the variance according to the staff recommendation; Gallman seconded. 6-0

1901 E. Arden, Jeanne Walters, 06-TV-05 Owner was not present to request an extension of time to complete repairs.

Staff reported that the bedroom windows do not meet the minimum egress requirements. The owners are currently out of the country and plan to return to their home by January 2007. Staff recommended that the Board grant an extension of time until 01-11-07 with the condition that battery powered smoke detection be installed and maintained in each of the three bedrooms and one in the hallway outside of the bedrooms by 02-11-06.

Floyd made a motion to grant the extension of time according to the staff recommendation; Montembeault and Cole seconded. 6-0

339 S. Dunn, Tom Binford, 06-V-06 Owner was not present to request a special exception to the minimum egress requirements.

Staff reported that the windows in the southeast, northeast and northwest bedrooms do not meet the minimum egress requirements. Staff recommended that the Board grant the variance with the following condition: Hard-wired smoke detectors shall be installed per current code requirements. Single and multiple-station smoke alarms shall be installed in the following locations: In each sleeping room; outside of each separate sleeping area in the immediate vicinity of the bedrooms; in each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. When one or more smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Radio frequency interconnection is allowable. Staff recommended a compliance deadline of 03-13-06.

Gallman made a motion to grant the variance according to the staff recommendation and conditions; Floyd seconded. 5-1
[Mitchell voted no]

420 E. 9th St., Vencel Properties, 06-V-07 Owner was not present to request a special exception to passing through the southwest room to access other habitable space. WITHDRAWN

501 E. Grimes, Christopher Scites, 06-V-08 Owner was present to request a special exception to the minimum egress requirements.

Staff reported that the windows in the northwest and northeast bedrooms did not meet the minimum egress requirements. Staff recommended that the Board grant the variance with the following conditions: Hard-wired smoke detectors shall be installed per current code requirements. Single and multiple-station smoke alarms shall be installed in the following locations: In each sleeping room; outside of each separate sleeping area in the immediate vicinity of the bedrooms; in each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. When one or more smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Radio frequency interconnection is allowable. Install smoke detector(s) in an approved location. If wall mounted, it shall be located between 6 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall. Staff recommended a compliance deadline of 03-13-06.

Mitchell made a motion to grant the variance according to the staff recommendation and conditions; Gallman seconded. 6-0

215 E. 8th St., Larry Laczkowski, 06-V-09 Owner was not present to request a special exception to the minimum egress requirements. Request an extension of time to complete repairs.

Staff reported that three of the four second floor sleeping rooms has windows that do not meet the minimum egress requirements. The house is equipped with hardwired, interconnected smoke detection that meets current code. The petitioner also requests a 90-day extension of time to install pre-fabricated window wells for the two basement sleeping rooms. Staff recommended that the Board grant the egress variance and grant an extension of time until 04-11-06 to complete the window wells.

Floyd made a motion to grant the variance and extension of time according to the staff recommendations; Cole seconded. 6-0

710 E. 9th St. #B, Alice Reid, 06-V-10 Owner was not present to request a special exception to the minimum ceiling height requirements in all rooms except the living room.

Staff reported that all habitable rooms in apartment 710B, with the exception of the living room, did not meet the minimum ceiling height requirements. Staff recommended that the Board grant the variance with the following conditions: Single and multiple-station smoke alarms shall be installed in the following locations: In each sleeping room; outside of each separate sleeping area in the immediate vicinity of the bedrooms; in each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. When one or more smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Radio frequency interconnection is allowable. All fixtures lower than 6'4" shall be removed. Staff recommended a compliance deadline of 03-13-06.

Hamilton made a motion to grant the variance according to the staff recommendation and conditions; Floyd seconded. 6-0

127 N. College Ave., Abodes, Inc., 06-TV-11 Owner was not present to request an extension of time to complete repairs.

Staff recommended that the Board grant an extension of time until 02-14-06 to complete window repairs.

Floyd made a motion to grant the extension of time until 02-14-06; Hamilton seconded. 6-0

1101 N. Dunn, Unity of Bloomington, 06-V-12 Agent was present to request a special exception to the minimum egress requirements.

Staff reported that the basement northeast, center, and northwest bedrooms do not meet the minimum sill height requirements. Staff recommended that the Board grant the variance with the following conditions: Single and multiple-station smoke alarms shall be installed in the following locations: In each sleeping room; outside of each separate sleeping area in the immediate vicinity of the bedrooms; in each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. When one or more smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Radio frequency interconnection is allowable. Install smoke detector(s) in an approved location. If wall mounted, it shall be located between 6 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall. Staff recommended compliance prior to occupancy as a residential rental unit.

Floyd made a motion to grant the variance according to the staff recommendation and conditions; Hamilton seconded. 6-0

808-810 W. 11th St., Richard Wells, 06-V-13 Owner was present to request a special exception to the minimum egress requirements.

Staff reported that the bedroom windows did not meet the minimum egress requirements. Staff recommended that the Board grant the variance with the following conditions: Hard-wired smoke detectors shall be installed per current code requirements. Single and multiple-station smoke alarms shall be installed in the following locations: In each sleeping room; outside of each separate sleeping area in the immediate vicinity of the bedrooms; in each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. When one or more smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening

doors closed. If wall mounted, it shall be located between 6 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall. Staff recommended a compliance deadline of 03-13-06.

Mitchell made a motion to grant the variance according to the staff recommendation and conditions; Gallman seconded. 6-0

1610 S. Dorchester, Regency Mgmt., 06-V-14 Agent was present to request a special exception to the minimum egress requirements.

Staff reported that 28 total units on the lower levels of four buildings did not meet the minimum sill height requirements. Staff recommended that the Board grant the variance with the following conditions: Hard-wired smoke detectors shall be installed per current code requirements. Single and multiple-station smoke alarms shall be installed in the following locations: In each sleeping room; outside of each separate sleeping area in the immediate vicinity of the bedrooms; in each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. When one or more smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Radio frequency interconnection is allowable. Staff recommended that a permanently installed egress aid be installed under one of the windows. Should any of these conditions ever not be met, the variance will be revoked. Staff recommended a compliance deadline of 04-11-06.

Floyd made a motion to grant the variance according to the staff recommendation, and conditions that hardwired smoke detection be installed by 08-01-06, without egress aids; Gallman seconded. 6-0

701 W. Dixie, Ram Parab, 06-V-15 Owner was present to request a special exception to the minimum egress requirements. Request an extension of time to complete repairs.

Staff reported that personal items were in place in the southwest room that indicated it was being used as a sleeping room. This was in direct violation of the variance granted for this property on 05-14-98: Special exception to the minimum ceiling height requirement in the northeast and northwest basement bedrooms with the condition that all ceiling fixtures be no lower than 6'4". All other basement rooms are not to be used for sleeping purposes. The Board also stipulated that if the southwest room was ever found to be occupied as a sleeping room for any reason, the entire variance would be revoked. The owner was notified that HAND had revoked the variance. The petitioner has requested relief from this decision, and requests a 60-90 day extension of time to complete the repairs.

Staff recommended that the Board deny the variance request and the basement be vacated by 02-12-06. Staff recommended that the Board grant an extension of time to complete repairs until 03-15-06.

Floyd made a motion to allow the variance to stand with the condition that the property be inspected annually; Gallman seconded. 5-1 [Montembeault voted no]

Floyd made a motion to grant an extension of time until 04-15-06 to complete repairs; Hamilton seconded. 6-0

602 E. Maxwell Ln., Douglas Schroeder, 06-V-16 Owner was not present to request a special exception to the minimum egress requirements.

Staff reported that the northwest and southwest bedroom windows did not meet the minimum egress requirements. Staff recommended that the Board grant a variance with the following conditions: Single and multiple-station smoke alarms shall be installed in the following locations: In each sleeping room; outside of each separate sleeping area in the immediate vicinity of the bedrooms; in each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. When one or more smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Radio frequency interconnection is allowable. Staff recommended a compliance deadline of 03-13-06.

Floyd made a motion to grant the variance according to the staff recommendation with a compliance deadline of 04-15-06; Hamilton seconded. 4-2 [Mitchell and Gallman noted no]

ADJOURNMENT: Meeting adjourned at 5:30 p.m.